

Existing law authorizes certain employers or others responsible for the actions of persons with supervisory or disciplinary authority over children to make written requests to the La. Bureau of Criminal Identification and Information to determine if applicants for such positions had been convicted of, or pled nolo contendere to, certain enumerated criminal offenses. Further provides for penalties for agencies that fail to provide information requested, individuals distributing unauthorized information, and individuals transmitting false information.

Existing law prohibits the following positions to be filled by a person convicted of, or who pled nolo contendere to certain enumerated offenses:

- (1) An operator, staff person, or employee of a juvenile detention, correction, or treatment facility.
- (2) An employee of a public or private elementary or secondary school system such as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or a school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children.
- (3) A court-appointed special advocate for a juvenile.
- (4) A state employee whose duties include the investigation of child abuse.
- (5) An adult living in a foster home.

The enumerated offenses included:

- (1) 1st or 2nd degree murder.
- (2) Manslaughter.
- (3) Aggravated, forcible, or simple rape, sexual, aggravated sexual, oral, or aggravated oral sexual battery, or intentional exposure to the AIDS virus.
- (4) Aggravated, 2nd degree, or simple kidnaping.
- (5) Criminal neglect of family.
- (6) Incest.
- (7) Criminal abandonment.
- (8) Carnal knowledge, indecent behavior with, pornography involving, or molestation of a juvenile.
- (9) Prostitution, soliciting for, inciting, promoting, or enticing persons into prostitution, prostitution by massage, massage involving sexual contact, pandering, or letting premises for prostitution or obscenity.
- (10) Crime against nature and aggravated crime against nature.
- (11) Contributing to the delinquency of juveniles.
- (12) Cruelty to juveniles.

- (13) Child desertion.
- (14) Cruelty to the infirm.
- (15) Obscenity.
- (16) Operation of places of prostitution.
- (17) Sale of minor children.
- (18) Offenses involving controlled dangerous substances.

Existing law further authorizes officers or officials of certain organizations to request criminal history information on the enumerated crimes. These organizations are:

- (1) A child-caring institution, child-placing agency, maternity home, group home, or day care center.
- (2) Any other organization that the department determines, upon request of the organization, to have supervisory or disciplinary authority over children outside of the home to such extent that the well-being and safety of the children justifies giving the organization access to the criminal history.
- (3) Any other child care provider organization with the prior written consent of the person whose criminal information is being requested.

New law additionally authorizes registered family child day care homes to request information on persons living or working in the home.

Existing law requires the registration as family child day care home of any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and/or guidance of six or fewer children and which receives state or federal funds.

New law provides that no person shall live or work in a family child care home who has been convicted or pled nolo contendere to the specified offenses in existing law. Requires that the family child day care home is responsible for the costs of any criminal background checks required.

New law provides that the primary child care provider of any family child day care home shall have documented current certification in Infant/Child or Infant/Child/Adult CPR.

New law authorizes the Dept. of Social Services, the Dept. of Health and Hospitals, or the Dept. of Education to deny, revoke, or refuse to renew any registration of a family child day care home in violation of new law.

The requirements of new law do not apply to family child day care homes registered with the Dept. of Education for participation in the federal Child and Adult Care Food Program. Further, these requirements do not apply to child day care homes where the primary caregiver at the home is a grandparent, aunt, or uncle of all of the children in the home.

Effective January 1, 2000.

(Amends R.S. 15:587.1(A) and R.S. 46:51.2(E) and (F)(1); Adds R.S. 46:1441.13)